

THE LEGISLATIVE ASSEMBLY.

Thirtieth Day.

FRIDAY, DEC. 9, 1887.

House met at 10 o'clock, the President, Hon. S. G. Wilder, in the chair. Minutes read and confirmed.

RESOLUTION OF THE CHAMBER OF COMMERCE.

Noble Widemann read a resolution of the Chamber of Commerce, as follows:

Resolved, that this Chamber whilst it recognizes the importance of proper regulations of immigration, records its protest against the bill which has passed a second reading in the Legislative Assembly entitled an Act to regulate Chinese immigration, on the ground that the provisions of this bill would in their opinion entirely stop such immigration instead of regulating it, and would therefore be very injurious to the industries of the country, and unjust to the persons interested in them; that in view of the great importance of the question under consideration and the limited time in which to prepare a bill that will be acceptable and of benefit to the country, this Chamber respectfully requests that legislative action be deferred until the next session to be held in May, 1888.

The honorable Noble also submitted a letter directed to him by the secretary of the Chamber, with the resolution.

Noble Waterhouse moved the resolution be laid on the table to be considered with the bill. Carried.

QUESTIONS ASKED MINISTER.

Rep. Kalaupaka asked the Minister of Foreign Affairs if the Government intend to send any more Hawaiian youths abroad to be educated and what method of selection is to be adopted.

MINISTERS ANSWER QUESTIONS.

Minister Thurston answered the questions asked by Rep. Kalaupaka on Tuesday about the number of horses allowed to be sent to the islands on Molokai. Mr. Meyer had written to the Board of Health in July that there were too many horses in the settlement for the quantity of feed, and if more were sent the feed would soon be exhausted. The Board of Health had allowed no horses to be sent for some time. The Board would be willing to accommodate the people with horses as far as practicable.

Minister Brown answered Rep. Kalaupaka's questions relative to the education of Hawaiian youths abroad. No more youths could be sent abroad for the present, as there was no appropriation further than was necessary for those already abroad. Whether more are sent or not will depend entirely on the action of the Legislature in this matter.

ORDER OF THE DAY.

Third reading of the Chinese immigration bill. Considered in connection with the resolution of the Chamber of Commerce.

Noble Baldwin moved the bill be laid on the table.

The honorable member explained the position of the Chamber of Commerce as being commercially a thoroughly representative body. He was in sympathy with the House generally on the provisions of the bill. But the Board of Immigration have brought in but a very small number of laborers during the past year. Large numbers of laborers have been leaving the country, and he believed the effect of this bill would be to raise the price of labor on the plantations \$5 per month. There is no certainty that the negotiations for Portuguese immigration will be successful. There is no certainty that the Japanese coming will be suitable laborers. These questions will likely be definitely settled by May, and then the House will be in a better position for legislating on the matter of Chinese immigration. If the planters of the country were here, they would say that he, the speaker, had rather understated the circumstances, that he had not spoken strongly enough.

Noble Smith moved an amendment to the bill and that the bill pass with that amendment.

Noble Widemann moved the bill be referred to a committee to report at the May session.

Noble Smith said that he as well as many other members were not fully satisfied with the bill as it now stands; that the provisions in regard to the bonds seem almost impracticable. But, in view of all the circumstances, he was in favor of passing the bill. Hereafter there has been no systematic law, rule or regulation upon the matter of Chinese immigration; and the result has been that there are now in the country nearly 20,000 male Chinese without wives. If there were 20,000 Englishmen, or Americans, or any other nationality without wives, I would oppose any further immigration of such a nature. But when it comes to permitting the increase of Chinese males, the case is much stronger. None of us wish to be unreasonable, but we are dealing with a very difficult question—one in which there is great difference of opinion—and judging from the experiences of the past, there will be no legislation adopted which will properly meet the case until severe restrictive measures are adopted, and then planters and others in favor of the immigration will give earnest thought to the subject, and endeavor to secure reasonable enactments. The present seems a most opportune time to test this question. The regular session comes in six months, and the matter will receive close consideration, and more permanent measures can be considered and presented. Meanwhile no disaster need be apprehended. Of the permits to Chinese to enter the Kingdom granted prior to July 1, 1887, there are over 1,700 outstanding, besides over 800 granted since July 1st. In addition to these, permission has been granted to Mr. Wilder to introduce 500 Chinese to work on the Hilo railroad, and there are 1,200 Japanese now due here from Japan; and the assurances are that thousands more of Japanese can be obtained at once, if desired; so that there need be no paucity of labor market. Mr. President, it is useless for us to be carried away by our feelings and become abusive on this subject. Since my vote on this bill, two days ago, I have been assailed and abused for my vote. It shows that the question is one of deep interest to the community, and we must not pass it over lightly. We must not only consider the plianting interests of to-day, but the permanent interests of the country. I will not lend myself to any measures for temporary benefit which will tend to render this country an unfit place for me or my children to live in fifteen or twenty years hence. And there is a large body of Anglo-Saxons in this country—mechanics, laboring men and others—who must be regarded. I support the bill, believing it will lead to a more speedy solution of the matter.

The ayes and noes were called on Noble Widemann's motion.

Ayes—Young, Jaeger, Castle, Waterhouse, Wright, Notley, Wall, Townsend, Baldwin, Widemann, McKee, G. N. Wilcox, Bertelmann, Dole, Kaula, C. Brown, D. Kama, Helekuinihi, Kawahala, A. S. Wilcox, Rice, Gay, Nakaleka.

Noes—Green, G. Brown, Thurston, Ashford, Robinson, Smith, Foster, Bailey, Richardson, Hueston, Dowsett, Jr., Kalaupaka, Naone, F. Brown, Kinney, Maguire, Kamaoaha, Nawahine, Daniels, Pachaole.

Minister Thurston asked to have his vote changed, which was done, upon which the vote was declared, 24 ayes and 19 noes.

Rep. Brown moved that the vote just taken be reconsidered.

Minister Thurston said that the reason he had asked to have his vote changed was to give him the privilege of moving a reconsideration. He was ashamed of the action of the House. This question had been dilly-dallied with for years. The rules and regulations of two years ago had proved worthless. Within three weeks of the publication of those rules, 300 passports were sold in this city. If a shipload of Chinamen came here to-morrow, there is no law to prevent their landing. The only way we could prevent their landing would be to stand on the shore and shoot them. This law is only intended to go into effect on the first of March, and it was absurd to say that there might be a crisis in the labor market between that time and the next session of the House.

Noble Smith said that the vote involved a defeat of the Ministers as this was a government measure. If this vote is adopted, the Ministers cannot hold their seats.

The House took the usual noon recess.

AFTERNOON SESSION.

Noble Smith concluded his remarks on the reconsideration of vote on the Chinese immigration bill.

Noble Castle referred to certain threats that had been made about Ministers resigning in case the bill was not accepted.

Noble Smith said that the Hon. Noble's remarks on his, the speaker's, threatening the resignation of the Ministry, were rather far fetched.

Noble Castle continued and said that it was understood that Ministers took office to stay, not to resign. It would be in order for them to resign on a vote of want of confidence or on becoming conscious, from other sources, of their not possessing the confidence of the country. The honorable Noble cited the resignation of the Gladstone ministry in England, on account of being defeated on the comparatively insignificant question of a duty on beer.

The reference of the bill to a committee is not a vote of want of confidence. This bill had been referred first to the Committee on Foreign Relations, and again a portion of the bill was referred to another committee. Many other bills introduced by Ministers had been amended by committees, but there was nothing said about the Ministers being defeated. Now, it is proposed simply to refer this bill.

Rep. Kinney said—Noble Castle has said a good deal about child's play on the part of some of those who support the Chinese bill. Now while we are on the subject of child's play, I wish to say something of Noble Castle's remarks which I consider more than child's play. If we do nothing about Chinese immigration he says the public is protected between now and May against a heavy influx of Chinese, because the Ministers have authority to promulgate restrictive regulations between sessions, citing as his authority a Supreme Court decision. Now surely if there is anything he ought to be certain of before he asserts it, it is this point so vital to us. Is it then the fact that there will be any check upon the Chinese between now and May? I say it is not. The decision he relies on is not before me and does not support him, and it seems to me that it is serious child's play on his part to make off hand assertions upon vital points to the public without making sure whereof he speaks. His carelessness in relating restrictions in favor of Chinese and against the public, marked contrast to his vigilant criticism of points tightening restrictions in favor of the public and against Chinese. Noble Castle says a great deal about threats. He says Noble Smith meant to threaten the House when he said that the Chinese public is protected until next term. The Ministry must resign. I say Noble Smith had a right to say it. It was his duty to say it. I have always understood that it was first principles in any argument to consider the result of any proposed action, but it seems that a plain statement of what must inevitably follow the postponement of that bill, has to be characterized as threatening and is animated upon as highly improper. Now I reiterate what Noble Smith said in that respect and say it would be annually in the Ministry to attend to stay in after this bill has been laid over till next May. This Ministry has brought forward as a Ministerial measure this bill. It has been before the public for some weeks. It has passed two readings with heavy majorities, and now to have it killed on the eve of a third reading under the plea of referring it to a committee, it has been in the hands of two committees, is too transparent to need interpreting. I have not said that the Ministry must resign for the purpose of whipping in votes for a reconsideration, for unless very serious reasons are presented by the Ministry I shall not vote for reconsideration.

It is better that the Ministry should resign. It gave me a momentary pang after the result of the vote killing the bill was known, but now I am perfectly resigned. I want to say, for I feel that the real spirit and desire of the representatives of the Kingdom came to the surface in the vote to state the bill off. And, if this is so, they have lost confidence in this Ministry and without the support of this class as the House is now constituted, the Ministry cannot carry out effective restrictive measures, not even if it was now passed. The vote to-day has formed two parties and the work of this revolutionary Ministry is over. It came in gloriously and though in some respects an enfeebled administration, it has done great service, and where an opportunity is granted to do an honorable death. Two parties are forming, and as I do not believe the Ministry can effectively carry out a restrictive bill as the House is now constituted owing to the attitude taken by the moneyed men, I say the Government is bound to be turned over to a Ministry either covertly or openly, and if it is Chinese, I had hoped that the business men of the Kingdom would deem it wiser to work through a Thurston Ministry than a more servile one, even though that Ministry was honestly determined to shut out Chinese, except in cases of emergency, but it seems otherwise, and I think the result will be either that we have in the future a Ministry dodging Chinese restriction or a Ministry somewhat of the Dennis Kearney stripe, and there will be no room for men who mean to shut out Chinese immigration, but who are at the same time thoroughly honest and friendly to the business interests. The issue has been raised by the business men, themselves. An ultra party, is sure to rise as a reaction from their position, and as it has got to come, let it come now. As first fruits of their action, I say those two vetoes bills lying there on the table are a sample—bills vetoed without the advice or consent of the Cabinet, and which have come in to-day because it is known in the Palace what has transpired in the House to-day, alienating those upon we must rely.

Minister Green said the honorable member for Hanaleia was mistaken in his remarks on the vetoed bills. His Majesty had been advised by Ministers to sign all bills passed by the House. His Majesty had intimated that he would do so. He had given them, the Ministers, no reason for the veto.

Coming to the matter before the

House, the question of Chinese immigration is a most difficult one in practice. He believed the House might sit in committee for a month and then they would be hardly satisfied with the result.

When the question came before the Cabinet, it was not a question of detail, but of policy, shall we or shall we not try to restrict Chinese immigration, and save ourselves from being swamped by Chinese. As things were before, there were rules enough, but were of no effect. This bill was an attempt to make effective rules, and the Cabinet was willing that the House should aid them in that attempt. The House had endorsed the principle by passing the bill to second reading by a large majority—31 to 15. Now, at the last moment, a paper comes in from the Chamber of Commerce, an irresponsible body, having one thing to look after—their own business—asking for a postponement.

He agreed with those who held that his motion to table the bill was equivalent to an indefinite postponement. If anything in the details are needed to be amended, now is the time to do it. It looks as if the Ministers this way. After the House and the country have decided that Chinese immigration must be restricted, the Chamber of Commerce comes in and says they want more labor, then open the doors wide.

A good deal has been said about Ministers resigning. With regard to that, he did not think it was proper for him to say what the Ministers' intentions were. It would be better to take events in their regular order.

All he could say was if the House is not disposed to grapple with this question, then the House and the Ministry are not in accord.

Rep. Kamaoaha said this was an important bill. Any one would say from reading the reports and the majority by which the bill passed, and then the mandate from the Chamber of Commerce, "You shall not pass that bill," that the great question now is, are we going to obey the Chamber of Commerce or decide matters for ourselves.

Looking over the reports of 1886 and 1887, it appears that 17,000 Chinese were in the country, of whom about 12,000 were laborers. And there is no law to prevent more coming. The Government should have power to stop them. In Honolulu there is a large surplus of idle Chinese. We have enough Chinese. The trouble is that they will not all work. There are about twice as many unemployed as working. If everyone in the country able to work were willing, there would not be enough work for them.

Noble Baldwin said he had been on a committee on the bill. They had recommended amendments. The time had not come yet for a prohibitory Chinese immigration bill. He was in favor of a restrictive bill. If the Ministers say they are not going to listen to the voice of a body representing large commercial interests, it was time for a test to come. He was willing to pass a reasonable bill. If there is any promise of a reasonable bill forthcoming, he would not oppose the reconsideration. He did not see what hurry there was for this bill.

Noble Widemann did not object to doctored the bill up now and should vote for reconsideration.

The ayes and noes were called on the motion to reconsider.

Ayes—Green, G. Brown, Thurston, Ashford, Robinson, Smith, Dowsett, sr., Young, Jaeger, Castle, Waterhouse, Wright, Notley, Wall, Townsend, Baldwin, Bailey, Richardson, Widemann, McKee, G. N. Wilcox, Bertelmann, Hueston, Kaula, F. Brown, Kama, Maguire, Kamaoaha, Helekuinihi, Kawahala, A. S. Wilcox, Rice, Gay, Pachaole—34.

Noes—Dole, Dowsett, jr., Kalaupaka, Naone, Kinney, Nawahine, Daniels, Nakaleka—8.

Noble Baldwin moved a committee of seven be appointed to consider the bill and report on Monday.

Kamaoaha moved an amendment that the committee report to-morrow.

Noble Smith approved of sitting to-morrow for the report, and if the committee are not ready, they can ask an extension of time.

Noble Baldwin accepted the amendment.

The motion then passed.

The President appointed the following committee on the bill: Minister Brown, Nobles Baldwin, Smith, Castle, Robinson, Dole, Richardson.

VETOED BILLS.

The President read the following communication from His Majesty:

To the Hon. S. G. Wilder, President of the Legislature of the Kingdom, Sir: I have returned to the Legislative Assembly of the Kingdom, without my signature, the "Bill Abolishing the Office of Governors" and the "Act to Provide for the Discharge of Certain Duties Herebefore Performed by the Governors of the Different Islands," giving my reasons for doing so, viz:

First—The Governor of each island is the Commander-in-Chief within his respective gubernatorial jurisdiction. And as such has important duties to fulfill under certain contingencies which are not at all unlikely to arise.

Second—The Governors of the islands are commanders of batteries and fortifications wherever placed within their respective islands. Their ports are opened by law for commerce with foreign countries and the communication and exchange of national courtesies by the rules and regulations governing foreign national vessels, rest with the highest military officer, and no provision has been made to meet the exigencies in this particular case.

Third—The power should exist in some one to perform the functions prescribed in the unexpired sections of Article 5, Chapter 4, part first of the Act to Organize the Executive Departments.

Fourth—Many important functions of the Governors, especially those pointed out here, cannot consistently be delegated to the Executive, and of necessity there must be some officer on each island to fulfill these functions. I therefore deem the entire abolishing of the office of Governors as not conducive to good government.

Fifth—Having withheld my approval from the bill abolishing the office of Governor, I deem it unnecessary to approve the bill delegating to other officers the duties hitherto imposed upon Governors.

Done at Our Palace at Lohani Hale, this eighth day of December, A. D. 1887.

[Signed] KALAKAUA REX.

The President said a motion was in order to fix a time for consideration of the question whether these bills shall become law.

Minister Ashford said there were more serious questions involved in this matter than the non-passage of the bills. He had serious doubts whether the veto is of any effect unless counterbalanced by one of the Ministers. He referred to Article 78 of the Constitution, in which it is said that acts of the King are to be done by and with the advice of the Cabinet. It is proper

that all elective members have an opportunity of participating in this matter.

Rep. Kinney—Did the Cabinet advise the veto of these bills?

Minister Ashford—The Cabinet advised the signature of all bills passed by the House.

Rep. Kinney—Did the King assent to this advice?

Minister Ashford—This action has been taken absolutely outside the Cabinet. The first intimation the Cabinet had of the veto was when the bills were laid on the table to-day.

Rep. Kamaoaha moved the consideration of this question be postponed till May.

Rep. Nakaleka seconded this motion.

The President ruled the motion out of order.

Noble Young said this matter was of more importance than the Chinese bill. Every member should be compelled to be in his seat at the consideration of this question.

Minister Thurston said we are now establishing the foundation of this Government. There was no appropriation to pay the expense of sending for absent members, but he was willing to put his hand in his pocket and pay his share of the expense of sending for them. This is a matter that will decide the future government of the country. The question now is not, are there to be Governors, but it is, ARE THE PEOPLE TO RULE THIS COUNTRY OR IS AN IRRESPONSIBLE MONARCH TO RULE IT?

Every district should be represented when this question is decided.

It was decided to take up the consideration of this question on Monday, 19th inst.

Noble Smith moved that the answer accompanying the Veto be printed and distributed among members. Carried.

BILLS SIGNED.

Minister Brown reported the following bills signed by the King:

1. The Special Appropriation Act.

2. Act to indemnify the Minister of Finance.

3. Act relating to the practice of medicine.

4. Act authorizing the Minister of Finance to execute and deliver certain bonds.

5. Act to amend sections 913 and 922 of the Civil Code, relating to District Justices.

6. Act to amend section 3, chapter 37, laws of 1886, relating to Insurance companies.

ORDER OF THE DAY.

Third reading of the Military Bill.

Noble Castle moved to insert the following as

Section 9. Any and all expenditures authorized in this Act may be paid upon the order of the Minister of Interior from any moneys available in the appropriations for the King's Guard, or for aid to volunteer and military companies, etc., for the military forces of the Kingdom, contained in the appropriation bill of Oct. 14, 1886.

Rep. F. Brown said he had an unpleasant duty to perform, which was to move that the bill be laid on the table. He approved of the bill generally yesterday, but when it was amended by inserting a salary of \$150 a month to a Brigadier-General, he could not stand it. This was contrary to the principles of economy.

Minister Ashford asked if it was in the interests of economy that the honorable member yesterday proposed two additional officers.

Rep. Kalaupaka moved an amendment to section 7 that the Minister of Interior make appointments by and with the consent of His Majesty and the Cabinet. Lost.

Rep. Pachaole moved the salary of the Brigadier-General be \$100 a month. Lost.

Rep. Brown's motion was put and lost.

Section 9 in the bill was made section 10.

The bill, as amended, then passed third reading.

Third reading of the Hilo Water Works bill (continued from yesterday).

Rep. Castle moved an amendment to section 7, which was adopted, so that the section reads:

Section 7. The Hawaiian Government shall have the right, at any time, to purchase from the owners of the water works hereby authorized, all of the plant, fixtures, rights, privileges and franchises belonging to or connected with the said water works. The price to be paid therefor shall be the first cost of the same, less a reasonable amount to be deducted for deterioration. First cost shall be deemed to include only the actual cost of all plant and material used in the construction, extension and improvement of the said water works, in constructing the necessary reservoirs and appurtenances in connection therewith, also the purchase price of any water rights bought by the owner or owners of the said water works and a proportionate part of rents for water rights paid in full for the term of this franchise or any part thereof.

The bill as amended, then passed third reading.

The House adjourned to 10 o'clock Saturday morning.

Thirty-first Day.

SATURDAY, Dec. 10, 1887.

The House met at 10 o'clock, the President, Hon. S. G. Wilder, in the chair. Minutes read and confirmed.

LEAVE OF ABSENCE.

Rep. Nawahine asked leave of absence on account of sickness in his family.

The honorable member was excused one week.

Rep. Maguire asked leave of absence one week. Granted.

REPORT OF COMMITTEE.

Rep. Castle asked further time, on behalf of the committee on the Chinese immigration bill. Granted.

BILL TO BE PRINTED.

Noble Smith moved that the Chinese immigration bill as amended be printed.

Noble Richardson thought this unnecessary until after the present committee have reported.

Noble Smith said the bill was one of great interest and members could not form correct opinions upon it or upon the amendments that might be recommended by the present committee without having the bill before them.

Rep. Pachaole was not in favor of printing the bill. The newspapers have been reporting the bill and he

thought that was enough for members. Noble Baldwin moved that it be left to the discretion of the committee whether to print the bill or not.

Minister Ashford said he understood the motion to be to print the bill as passed on Wednesday.

Noble Baldwin then withdrew his motion.

Noble Smith's motion to have the bill printed, passed.

At 10:41 the House adjourned to 10 o'clock Monday morning.

Legislative Notes.

The veto was received in the House, Friday, with philosophical calmness. But there was a queer light in some members' eyes.

A point of order was under discussion. Noble Widemann—How many members are on the floor at once?

President—Generally three.

Rep. Kalaupaka was delivering a harangue about the education of Hawaiian youths abroad, but was interrupted by

Noble Widemann—Mr. President, what is before the House?

President—The member for Honolulu is before the House.

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